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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,630	12/22/2003	Lester Kent Rhodes	1162	7407
36288	7590	06/02/2006	EXAMINER	
KENNETH H. JACK 2121 MAPLE WICHITA, KS 67213			BRAHAN, THOMAS J	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/743,630

Applicant(s)

RHODES, LESTER KENT

Examiner

Thomas J. Brahan

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-11 and 13-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,3,4,6-11 and 13-18 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Art Unit: 3654

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 3 are rejected under 35 U.S.C. § 102(b) as being anticipated by Motoda et al. Motoda et al shows a crane support comprising:

(a) a pedestal (mounting member 6) having an a crane supporting upper end, and having a front end, a rear end, and a longitudinal axis extending from the front end to the rear end;

(b) crane mounting means (swivel shaft 7) fixedly attached to or formed wholly with the crane supporting upper end of the pedestal; and

(c) means for alternately pivoting and counter-pivoting the pedestal (cylinders 10 and 11), the means for alternatively pivoting and counter-pivoting the pedestal being operatively connected to the pedestal, the means for alternately pivoting and counter-pivoting the pedestal controlling pivoting movements of the pedestal about the longitudinal axis.

The means for alternately pivoting and counter-pivoting the pedestal (6) includes an axle (8a or 8b), depending on which orientation is considered as the longitudinal axis, as recited in claim 3.

4. Claims 1, 3, 4 and 6 are rejected under 35 U.S.C. § 102(b) as being anticipated by Holopainen. Holopainen shows a crane support comprising:

(a) a pedestal (mounting platform 19) having an a crane supporting upper end, and having a front end, a rear end, and a longitudinal axis extending from the front end to the rear end;

(b) crane mounting means (junction element 13) fixedly attached to or formed wholly with the crane supporting upper end of the pedestal; and

(c) means for alternately pivoting and counter-pivoting the pedestal (stabilizers 36), the means for alternatively pivoting and counter-pivoting the pedestal being operatively connected to the pedestal, the means for alternately pivoting and counter-pivoting the pedestal controlling pivoting movements of the pedestal about the longitudinal axis.

Art Unit: 3654

The means for alternately pivoting and counter-pivoting the pedestal (36) includes an axle (the upper pivot axles for the cylinders or the for the outrigger feet), as recited in claim 3. The means for alternately pivoting and counter-pivoting the pedestal are laterally extending outriggers, as recited in claim 4, with telescopic segments, as recited in claim 6.

5. Claims 1, 3, 4 and 6-9 are rejected under 35 U.S.C. § 102(b) as being anticipated by Pinkston. Pinkston shows a crane support comprising:

- (a) a pedestal (turntable 28) having an a crane supporting upper end, and having a front end, a rear end, and a longitudinal axis extending from the front end to the rear end;
- (b) crane mounting means (crane support base 24) fixedly attached to or formed wholly with the crane supporting upper end of the pedestal (28); and
- (c) means for alternately pivoting and counter-pivoting the pedestal (outrigger assemblies 50 and 52), the means for alternatively pivoting and counter-pivoting the pedestal being operatively connected to the pedestal, the means for alternately pivoting and counter-pivoting the pedestal controlling pivoting movements of the pedestal about the longitudinal axis.

The means for alternately pivoting and counter-pivoting the pedestal (50 and 52) have pivot axles (71 or 75), as recited in claim 3, and are outriggers with laterally telescoping sections (60 and 62), as recited in claims 4 and 6. The means for alternately pivoting and counter-pivoting the pedestal includes quill and slide shaft arrangements (66 and 66C) at the distal ends of the outrigger sections, as recited in claim 7. The means for alternately pivoting and counter-pivoting the pedestal includes locking means (pin 80) to resist and permit pivoting about the long axis claim 8. The first and second telescoping means have hydraulic cylinders (56, 58, 66 and 68), as claim 9.

6. Claims 1, 3, 4, 16 and 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by Lanning et al. Lanning et al shows a crane support comprising:

- (a) a pedestal (tub 4) having an a crane supporting upper end, and having a front end, a rear end, and a longitudinal axis extending from the front end to the rear end;
- (b) crane mounting means (for superstructure 14) fixedly attached to or formed wholly with the crane supporting upper end of the pedestal (4); and
- (c) means for alternately pivoting and counter-pivoting the pedestal (outrigger assemblies 10 and 11), the means for alternatively pivoting and counter-pivoting the pedestal being operatively connected to the pedestal, the means for alternately pivoting and counter-pivoting the pedestal controlling pivoting movements of the pedestal about the longitudinal axis.

The means for alternately pivoting and counter-pivoting the pedestal (10 and 11) have pivot axles (67), as recited in claim 3, and are outriggers with telescoping segments (63 and 64), as recited in claims 4 and 6. Each end of the vehicle has a fixed outrigger (13), as to have a forwardly and downwardly extending outrigger fixedly

Art Unit: 3654

attached to the pedestal (4), as recited in claim 16. The details of the jacks (13) of Lanning et al are incorporated by reference to Ser. No. 203,943, see the penultimate line of column 3, which is now the Gattu et al reference included with this action. It has as quill and slide shaft arrangements (49 and 73), as recited in claim 17.

7. Claims 10, 11 and 13-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Pinkston in view of Lanning et al. Pinkston shows the basic claimed crane support with leveling outriggers, as detailed above. It varies from claim 10 because the locking means (pin 80) is manually inserted instead of hydraulically actuated. Lanning et al shows a outrigger arrangement with pins (111) having a hydraulic actuator (112). It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the locking pins (80) of Pinkston by providing them with hydraulic actuators, to permit remote actuation, as taught by Lanning et al. The outriggers of Pinkston have lateral segments with quill and slide shaft arrangement, as recited in claim 11. The pedestal of Pinkston has a lower surface that can be considered as a base, as broadly recited in claim 13. Using square steel tubing for the quill and shaft combinations of Pinkston, as recited in claim 14, as well as for some of the frame portions of the pedestal, as recited in claim 15, would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant since it has been held to be within the general skill of a worker to select a known material on the basis of suitability for the intended use as a matter of obvious design choice, see *In re Leshin*, 125 USPQ 416.


8. Claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Lanning et al in view of Mayer et al. Lanning et al shows the basic claimed crane support with leveling outriggers, as detailed above. It varies from claim 18 by using hydraulic motors and screw jacks to extend the outrigger feet instead of hydraulic cylinders. Mayer et al shows a similar crane outrigger system with hydraulic cylinders and teaches that equivalent means, such as a rotating screw drive could be also used, see the first eight lines of column nine. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the outrigger arrangement of Lanning et al by substituting hydraulic cylinders for the rotating screw drives that extend the outrigger feet, as these are art recognized equivalents, as taught by Mayer et al.

9. Applicant's remarks in the amendment filed March 16, 2006, have been fully considered, but are deemed moot in view of the above new rejections. The amendment necessitated the new grounds, accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 3654

10. An inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Brahan whose telephone number is (571) 272-6921. The examiner's supervisor, Ms. Katherine Matecki, can be reached at (571) 272-6951. The new fax number for all patent applications is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Questions regarding access to the Private PAIR system, should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Thomas J. Brahan
Primary Examiner
Art Unit 3654